IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 11754 of 2007(Y)

PETITIONER:

P.SUDHEER KUMAR, AMBUJA SADANAM,
KADUKKAMKUNNU, PALAKKAD.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:

1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS
WELFARE FUND BOARD, MALAPPURAM.

2. THE COMMISSIONER AND SECRETARY,
LABOUR DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

3. THE TAHSILDAR, REVENUE RECOVERY,
PALAKKAD.

4. G.JAYAN, S/O.GOPALAN, MEENIKODE HOUSE,
METTUPALAYAM, P.O.CHATHAMANGALAM, PALAKKAD.

G.P. SHRI.P.BENJAMIN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.11754 of 2007

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Dated this the 4th day of April, 2007

J U D G M E N T

The petitioner has been assessed to contributions under the Motor Transport Workers Welfare Fund Act. Ext.P5 final determination order has been issued to him. He filed Ext.P6 appeal before the 2nd respondent. He is aggrieved by the action of respondents 1 and 3 in initiating coercive proceedings during the pendency of the appeal. The petitioner seeks a stay of coercive proceedings till Ext.P6 appeal is disposed of.

2. The learned Standing Counsel appearing for the Kerala Motor Transport Workers' Welfare Fund Board opposes the prayer of the petitioner. He would submit that even if this court is inclined to give any indulgence to the petitioner that shall only be on payment of substantial portion of the amount determined as per Ext.P5.

3. After hearing both sides, I direct the 2nd respondent to consider and pass appropriate orders on Ext.P6 appeal as expeditiously as possible. Coercive proceedings would be kept in abeyance till the 2nd respondent considers and disposes of the stay petition filed by the petitioner, which shall be disposed of within one month from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.